

# **EXHIBIT A**

**IN THE CIRCUIT COURT OF NEW MADRID COUNTY, MISSOURI  
THIRTY-FOURTH JUDICIAL CIRCUIT**

SHAWN HINKLE, et al	)	
	)	
Plaintiffs	)	
	)	
v.	)	Case No. 23SD-cc00125
	)	
TYSON FOODS, INC, et al	)	
	)	
Defendants.	)	

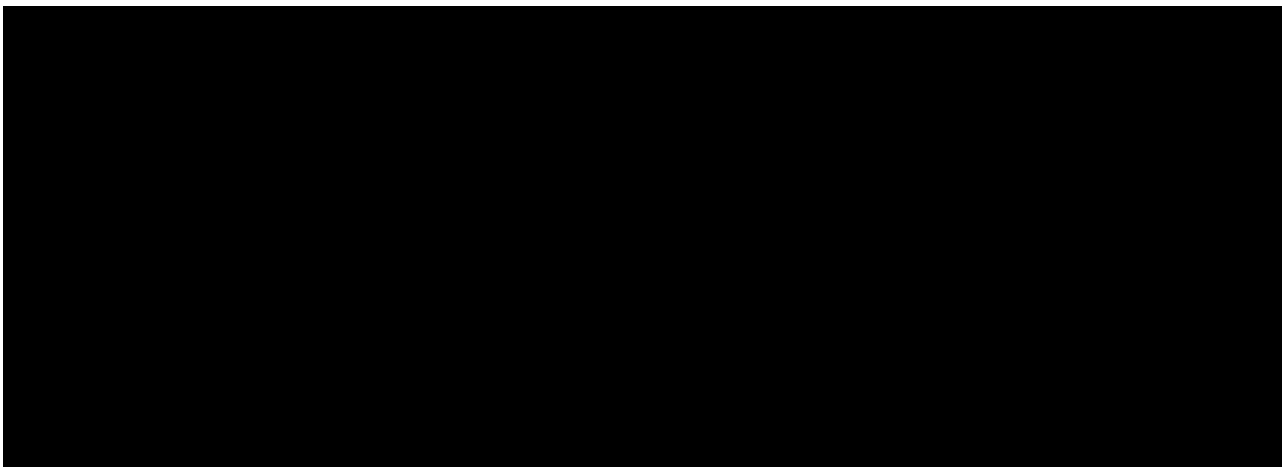
**PLAINTIFFS’ OPPOSITION TO DEFENDANTS’ MOTION THAT SEEKS TO  
MODIFY THE PROTECTIVE ORDER**

COMES NOW Plaintiffs through counsel and submit this opposition to to Defendants’ Motion that seeks to modify the Protective Order, statingas follows:

On May 21, 2024, Plaintiffs’ counsel gave notice to Defendants of their intent to disclose four documents that were subject to the Court’s Protective Order. After giving the requisite 10-day notice pursuant to ¶7.2(l) of the Protective Order, Counsel disclosed information contained in the four documents to his “clients with present or future cases against the same defendant that arise out of the same or similar set of facts, transactions, or occurrences[.]” Protective Order at ¶ 7.2(l).

Soon thereafter (June 5, 2024), one of those clients, Grandview Poultry LLP, brought suit against Tyson seeking class certification to represent all chicken farmers who served the Dexter Complex for violations of the Missouri Antitrust Law (Case No: 24SD-CC00059).

These actions were challenged by Tyson through a Motion for Sanctions filed on June 21, 2024 against Counsel personally. The Court, after hearing the matter on June 27, 2024, ruled that Counsel's actions did not violate the terms of the Protective Order, finding that "the complained of actions of Plaintiffs' counsel where otherwise authorized pursuant to the terms of the Protective Order. See Paragraph 7.2(l). Further, the court finds that the actions of Plaintiffs' counsel were not otherwise conducted in a manner of bad faith." (See Docket Entry of June 27, 2024).

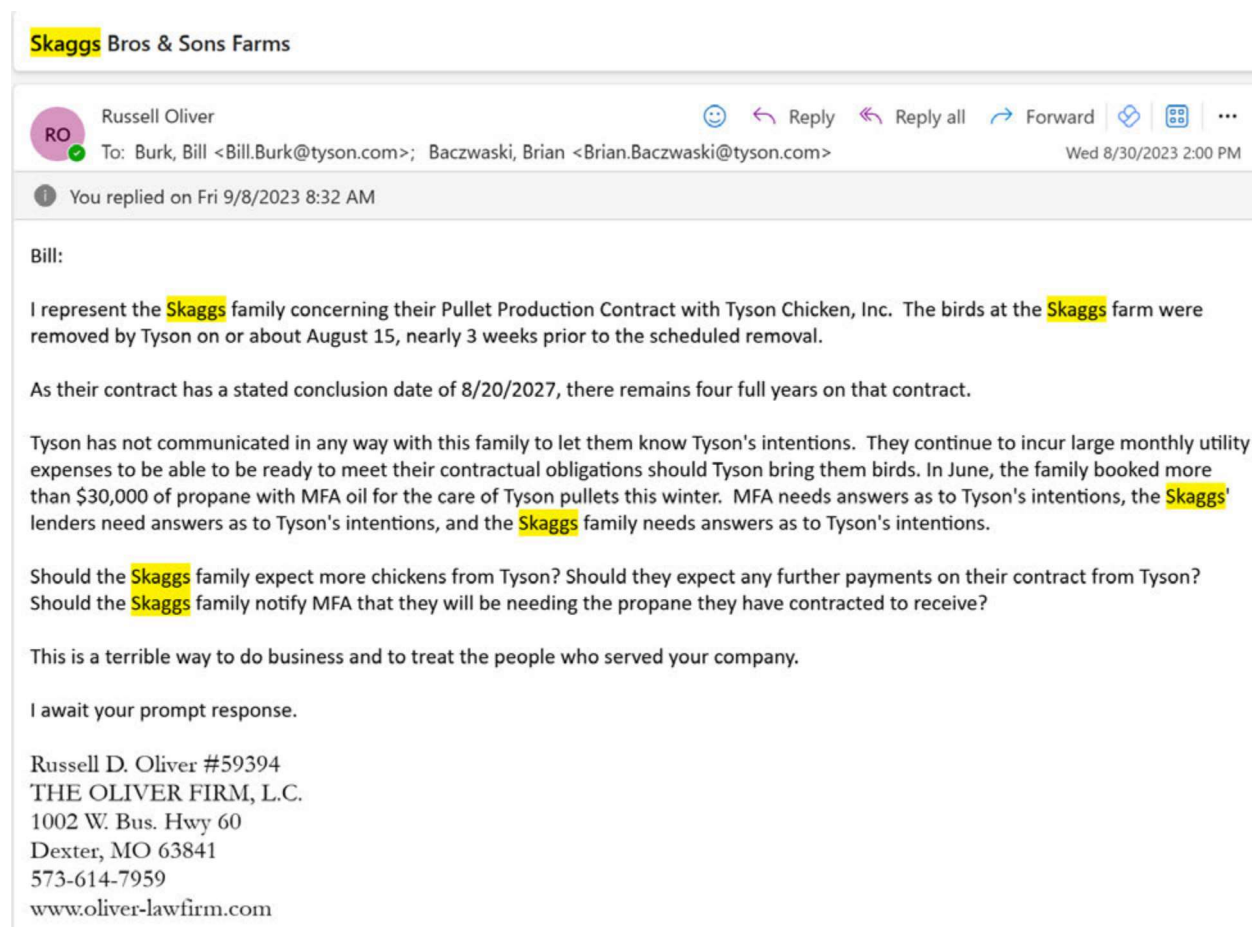


Tyson through their "Motion for a Protective Order as to Documents Disclosed Under the Current Standing Protective Order," now seeks to ensure that those 65 class members never receive any compensation for the devastating harm they have suffered due to Tyson's blatant violation of the federal Sherman Act and Missouri's Antitrust Law.

Contemporaneously to the disclosure made to Grandview Poultry after the 10-day waiting period after notice was given to Tyson under 7.2(l) (but before Tyson filed its

motion for sanctions), Counsel made disclosures to other clients they represent with future cases against Tyson that arise out of the same or similar set of facts.

Tyson knows that Counsel represents other clients who have claims against Tyson because Counsel has told Tyson. For example, on August 30, 2023, Counsel sent the below email to Tyson's in-house attorneys Tyson that he represented Eli Skaggs, Melissa Skaggs and Skaggs Bros. Farms, LLC ("Skaggs Family").



On the very same day that [REDACTED] after the class action was filed, Tyson made a settlement offer to the Skaggs Family. But the Skaggs Family declined to dignify the settlement offer with a response. Instead, the Skaggs Family intends to file an antitrust class action against Tyson on behalf of themselves and the other remaining class members.

In addition to the Skaggs Family, Counsel represents six other clients who have the same antitrust claims against Tyson. Counsel has represented all of these clients before Tyson ever filed its motion for sanctions and alleged that Counsel violated the Protective Order.

All of these clients intend to serve as class representatives in a soon-to-be-filed class action against Tyson. The class action complaint will mirror the one filed by Grandview Poultry. In fact, it will contain the exact same redactions as the Grandview Poultry complaint. The only new information in the complaint will be information about the plaintiffs. Nothing new will be used from Tyson's "Confidential Information" and no "Confidential Information" will be disclosed in the redacted class action complaint.

The bottom line is that disclosure to Counsel's other clients who have claims against Tyson already occurred. It occurred pursuant to ¶ 7.2(1) of the Protective Order, and it happened before Tyson ever claimed (incorrectly) that Counsel breached the Protective Order. These clients have very strong antitrust claims against Tyson with significant damages. This is why Tyson is now inviting this Court to rewrite the Protective Order and

prevent injured farmers from asserting their rights by timely asserting claims against Tyson. That invitation should be summarily rejected.

WHEREFORE, Plaintiffs pray of this Court for its order denying any relief prayed for by Defendants in their Motion to Modify the Protective Order of this Court.

Respectfully submitted by:

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 8th day of August, 2024, the foregoing document was e-filed with the Clerk of the Court by using the Missouri eFiling System, which sent notification of such filing to all counsel of record.

/s/ Russell D. Oliver

*Attorney for Plaintiff*